

5-131002 rec'd PCT/PTO 11 MAY 2005 PCT  
Express Mail No. EV 456 932 635 US

• FORM PTO-1390  
(REV. 7-2004)

MAY 11 2005

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER  
007413-100 JWP/MP

TRANSMISSION LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

INTERNATIONAL APPLICATION NO.  
PCT/EP2003/007792

INTERNATIONAL FILING DATE  
July 17, 2003

PRIORITY DATE CLAIMED  
July 19, 2002

TITLE OF INVENTION

POSITION INDICATOR, MEASURING APPARATUS AND METHOD OF MANUFACTURING A POSITION INDICATOR

APPLICANT(S) FOR DO/EO/US  
MUELLER, Stephan Johannes

Applicant herewith submits to the United States Designated/ Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4.  The U.S. has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US)
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 20. below concern document(s) or information included:**

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A preliminary amendment.
14.  An Application Data Sheet under 37 CFR 1.76.
15.  A substitute specification.
16.  A power of attorney and/or change of address letter.
17.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter 2 and 37 CFR 1.821- 1.825.
18.  A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19.  A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
20.  Other items or information: Applicant designates Figure 5a for publication purposes.

US APPLICATION NO. <i>Unassigned</i>	INTERNATIONAL APPLICATION NO. <i>PCT/EP2003/007792</i>	ATTORNEY'S DOCKET NUMBER <i>007413-100 JWP/MP</i>
21. The following fees are submitted:		
<b>BASIC NATIONAL FEE (37 CFR 1.492 (A) (1) - (5)):</b>		
<input checked="" type="checkbox"/> a) Basic national fee .....	\$300.00	
<input checked="" type="checkbox"/> b) Search fee.....	\$500.00	
<input checked="" type="checkbox"/> c) Examination fee .....	\$200.00	
<b>TOTAL OF CALCULATIONS =</b>		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing of computer programs listing filed in electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		
Total Sheets 74 -100	Extra Sheets 0 /50	Number of each additional 50 or fraction thereof (round up to a whole number). x 250.00
		\$ 0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).		
CLAIMS	NUMBER FILED Total Claims 43 - 20	NUMBER EXTRA 23
		x \$50.00
Independent Claims <input type="checkbox"/> MULTIPLE DEPENDENT CLAIM(S) (if applicable)	3 - 3	0
		x \$200.00
		= + 360.00
<b>TOTAL OF ABOVE CALCULATIONS=</b>		
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 50%		
<b>SUBTOTAL =</b>		
Surcharge of \$130.00 for furnishing the English Translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		
<b>TOTAL NATIONAL FEE</b>		
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). 0 x \$40.00 per property		
<b>TOTAL FEES ENCLOSED</b>		
<b>Amount to be refunded:</b>		
<b>charged:</b>		
<p>a. <input type="checkbox"/> A check in the amount of \$ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> This is an estimate of the fees due. Please charge Deposit Account No. 50-3013 to cover the required fees. A copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-3013. A copy of this sheet is enclosed.</p>		
Note: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.		
22. <input type="checkbox"/> Other instructions		
23. <input checked="" type="checkbox"/> All correspondence for this application should be mailed to JONES DAY 20583		
24. <input checked="" type="checkbox"/> All telephone inquiries should be made to James W. Peterson (650) 739-3994.		
James W. Peterson NAME	SIGNATURE <i>James W. Peterson</i>	26,057 REG. NO.
		January 19, 2005 DATE



Express Mail No. EV 456 919 824 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Stephan Johannes MUELLER	Confirmation No.:	8121
Serial No.:	10/522,435	Art Unit:	2881
Filed:	January 19, 2005	Examiner:	
For:	POSITION INDICATOR, MEASURING APPARATUS AND METHOD OF MANUFACTURING A POSITION INDICATOR	Atty. Docket No. (OLD):	007413-100
		Atty. Docket No. (NEW):	861840 999002

REQUEST FOR CORRECTION OF STATUS OF APPLICATION

RECEIVED

Mail Stop: PCT  
Attention: Office of PCT Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

19 JUL 2006

Legal Staff  
International Division

Sir:

Pursuant to a telephone call between Douglas Pearson of Jones Day and Mr. Richard Ross of the Office of PCT Legal Administration on May 9, 2005, it is understood that the above-captioned application is currently designated in the U.S. Patent and Trademark Office (PTO) records as a National Stage application filed under 35 U.S.C. 371. It is respectfully requested that the PTO's records be corrected to reflect that the application is a bypass continuation application of an international application filed under 35 U.S.C. 111(a), as discussed below.

The above-captioned application was filed with conflicting instructions as to whether the application was to be treated as a national stage application under 35 U.S.C. 371 or as a bypass continuation application of a corresponding international application under 35 U.S.C. 111(a). As reflected in the Preliminary Amendment (copy attached) filed with the application, the application was designated as a continuation of international application number PCT/EP2003/007792, and was intended to be a bypass continuation filed under 35 U.S.C. 111(a). However, a transmittal letter concerning a submission under 35 U.S.C. 371 (copy attached) was mistakenly submitted when the above-captioned application was filed, and the application was therefore treated at the PTO as a national stage application under 35 U.S.C. 371.

M.P.E.P. 1893.03(a) indicates that when a patent application is filed with conflicting instructions as to its status, the application should be treated as a bypass continuation filed under 35 U.S.C. 111(a).

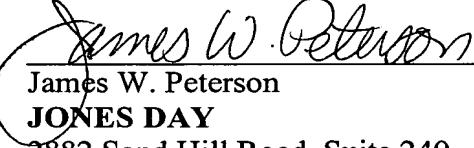
Accordingly, it is respectfully requested that the Office correct the status of the above-captioned application to reflect that it is a bypass continuation application of international application number PCT/EP2003/007792. An Application Data Sheet is enclosed herewith to assist the Office in this regard.

It is believed that no fee is due for this request. However, should it be determined that a petition fee or other fee is due, the Office is respectfully requested to treat this paper as an appropriate petition, and to charge any fee due to Deposit Account # 50-3013. This paper is submitted in duplicate.

Should there be any questions regarding this paper, the Office is respectfully requested to contact Applicant's representatives at the number below.

Respectfully submitted,

Date: May 11, 2005

  
James W. Peterson

26,057  
(Reg. No.)

**JONES DAY**

2882 Sand Hill Road, Suite 240  
Menlo Park, CA 94025  
(650) 739-3939